

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
JUL 16 2015
SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
vs.
SONJA A. CULLIPHER,
Defendant.

Case No.:2:15-PO-00040-JTR

ORDER GRANTING
UNSUPERVISED PRE-
TRIAL DIVERSION
AGREEMENT

Upon consideration of the parties' Pre-Trial Diversion Agreement, and being fully advised of the facts and circumstances of this case, the Court finds the Defendant has agreed to comply with the terms and conditions of the Pre-Trial Diversion Agreement; that the Court finds the Defendant has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting pre-trial diversion; that the Defendant's statements were made knowingly and voluntarily; and that the Defendant has knowingly and intelligently waived his Constitutional and statutory rights to a speedy trial, to question those witnesses against her, to call witnesses on her behalf, and to present evidence or a defense at trial.

1 NOW THEREFORE, IT IS HEREBY ORDERED:

2 1. The Defendant is accepted for pre-trial diversion;

3 2. The Defendant shall comply with all the terms and conditions as set forth
4 in the Pre-Trial Diversion Agreement;

5 3. If the Court finds that the Defendant violated any term of the Pre-trial
6 diversion Agreement, the Court shall enter judgment pursuant to the procedures
7 outlined in the Agreement.
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11 HON. John T. Rodgers
12 United States Magistrate Judge
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7-16-15
Date

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UNSUPERVISED PRE-TRIAL
DIVERSION AGREEMENT

Plaintiff, United States of America, by and through MICHAEL C. ORMSBY, United States Attorney for the Eastern District of Washington, Tyler Tornabene, Assistant United States Attorney, and Sam White, Law Clerk for the United States, and Defendant Sonha A. Cullipher, and the Defendant's counsel, Meredith Esser of the Federal Defenders of Eastern Washington and Idaho, agree to the following Unsupervised Pre-Trial Diversion Agreement ("Agreement").

The Defendant is before the Court currently charged by Notice of Violation (Violation No. H5157023) for Possession of Marijuana on Federal Property, in violation of 41 C.F.R. § 102-74.400(a).

1 The United States and the Defendant agree that this case shall be continued
2 until December 16, 2015, and thereafter dismissed, without prejudice upon motion
3 by the United States, provided the Defendant abides by all the conditions and
4 requirements herein outlined.

5 FACTUAL BACKGROUND

6 The United States and the Defendant agree that the following facts are
7 truthful and accurate and form a sufficient basis for a finding of guilt for
8 Possession of Marijuana on Federal Property, in violation of 41 C.F.R. § 102-
9 74.400(a); that the United States could prove these facts beyond a reasonable doubt
10 at trial; and that these facts can be used as a basis for making findings and entry of
11 judgment per the terms of this Agreement.

12 On February 17, 2015, the Defendant, Sonja Cullipher, entered the Social
13 Security Administration Building located at 714 N. Ironbridge Way, Spokane, WA
14 99202 and was subject to an administrative search. The security officer conducting
15 the search discovered a pipe containing a green leafy substance in the Defendant's
16 backpack, and contacted the Federal Protective Service (FPS). FPS Officer Robert
17 Hart responded to the building, and recognized the substance in the pipe as
18 marijuana based upon his training and experience. Officer Hart read the Defendant
19 her Miranda rights and asked her if she understood. She responded affirmatively
20 and acknowledged that it was a marijuana pipe. Officer Hart seized the pipe and
21 released her. He tested the green leafy substance, and it did test positive for
22 marijuana.
23

24 ACCEPTANCE OF PRE-TRIAL DIVERSION AND
25 STIPULATION OF FACTS

26 The Defendant hereby:

- 27 1. Agrees to complete the terms and conditions of this Agreement.
28

1 2. Understands that if she fails or neglects to comply with any part of the
2 terms and conditions of the Agreement, then the Court will hold a hearing to
3 determine whether judgment should be entered on the charges of possession of
4 marijuana on federal property, in violation of 41 C.F.R. § 102-74.400(a). After the
5 hearing, the Court will either order that the Defendant continue with the conditions
6 of his pre-trial diversion, order additional conditions, or be removed from pre-trial
7 diversion and enter judgment on the charges of possession of marijuana on federal
8 property, in violation of 41 C.F.R. § 102-74.400(a).

9 3. Agrees that if the Court revokes the order granting this pre-trial diversion,
10 the facts from the factual background above and any written officer reports and any
11 attachment thereto will be admissible as evidence to be used to support a finding of
12 guilt when the Court enters judgment. The Defendant understands that by agreeing
13 to this process, she is giving up certain Constitutional rights. She specifically
14 acknowledges that she is giving up the right to a trial, the right to testify or not to
15 testify, the right to question witnesses, the right to call witnesses in her own behalf,
16 and the right to present evidence or a defense;
17

18 4. Understands that she is entitled to a trial that would determine whether the
19 United States could prove her guilty of the instant charge beyond a reasonable
20 doubt. She does hereby, voluntarily and with knowledge of the above rights,
21 waive her right to a trial of this case by the Court pursuant to paragraph three (3)
22 above;

23 5. Agrees to report any potential violation of the conditions listed below to
24 the United States Attorney's Office for the Eastern District of Washington through
25 the Federal Defenders of Eastern Washington and Idaho within one (1) business
26 day of the potential violation.
27
28

CONDITIONS OF UNSUPERVISED PRE-TRIAL DIVERSION

The Defendant must abide by the following conditions and requirements:

1. The Defendant must pay a forfeiture amount of two-hundred fifty dollars (\$250.00) payable by check or money order to the Central Violations Bureau, P.O. Box 71363, Philadelphia, PA 19176-1363 (or payable online at www.cvb.uscourts.gov). The payment must reference violation number H5157023 and may be paid in installments of no less than twenty-five (\$25.00) dollars.

2. In lieu of up to two-hundred twenty-five (\$225.00) of the two-hundred fifty dollar (\$250.00) forfeiture amount, the Defendant may complete volunteer hours at the rate of one hour per ten-dollars (\$10.00) until the Defendant has volunteered for up to 22.5 hours. The Defendant must pay the remaining forfeiture amount and complete all volunteer hours by November 30, 2015.

3. Within seven (7) days of the final working day of each month, the Defendant must provide the United States Attorney's Office of the Eastern District of Washington, through her attorney, written documentation of her monthly volunteer hours. This documentation should include the name of the organization for which she volunteered, including the contact information and signature of her supervisor; however, no verification is due after the Defendant has volunteered and reported 22.5 hours, nor in any month in which the Defendant did not perform volunteer hours.

4. The Defendant must complete these community service hours at a 501(c)(3) organization with which neither she nor her immediate family has any past or current affiliation.

5. The Defendant must not violate nor be charged with or convicted of any criminal violations under federal, state, or local law before this cause is dismissed without prejudice, or judgment is entered, per the terms of this Agreement. Civil

1 and Non-Criminal Traffic Infraction violations will not constitute a violation of
2 this Agreement.

3 If the Defendant complies with all the obligations mentioned above, no
4 prosecution for the conduct set out in the factual background section of this
5 Agreement will be instituted in the Eastern District of Washington and the United
6 States agrees to dismiss these charges without prejudice.

7 Should there be a violation of the terms of this Agreement, however, and the
8 Agreement is revoked, a conviction for the charged offense may be imposed
9 pursuant to the procedures outlined herein. If a conviction occurs, the Defendant
10 understands she will be subject to a sentencing which may include up to 30 days
11 imprisonment and/or a \$5,000 fine.

12
13 ADVICE AND ACKNOWLEDGMENT OF DEFENDANT'S RIGHTS

14 I, SONJA CULLIPHER, understand and acknowledge I have the following
15 rights:

- 16 1. The right to a speedy and public trial in the place where the crime is
17 alleged to have been committed;
- 18 2. The right at trial to question witnesses who testify against me;
- 19 3. The right at trial to call witnesses to testify for me;
- 20 4. The right to present evidence and a defense;
- 21 5. The right to appeal a judgment of guilt.

22 By entering into this Agreement I understand that I am knowingly,
23 intelligently, and voluntarily, waiving these rights. I further understand that by
24 continuing these charges until December 16, 2015, I am agreeing to follow the
25 procedures outlined in this Agreement.
26
27
28

I, SONJA CULLIPHER, hereby state that I have read this document in its entirety. I understand the conditions of my pre-trial diversion and agree that I will comply with those conditions.

Sonja Cullipher
SONJA CULLIPHER
Defendant

July 16, 2015
Date

Meredith Esser
Meredith Esser
Attorney for the Defendant

July 16, 2015
Date

Tyler Tornabene
Tyler Tornabene
Assistant United States Attorney

7/16/15
Date

Sam White
Law Clerk for the United States

July 14, 2015
Date